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17 **UNITED STATES DISTRICT COURT**  
18  
19 **DISTRICT OF NEVADA**

20 J. W., a minor, by and through his Parents Joshua  
21 and Britten Wahrer,

22 Case No.

23 Plaintiffs,

24 v.  
25  
26 **NOTICE OF REMOVAL OF ACTION**  
27 **PURSUANT TO 28 U.S.C. § 1441 (a) & (b)**

28 CLARK COUNTY SCHOOL DISTRICT; PAT  
29 SKORKOWSKY, individually, and in his official  
30 capacity as former superintendent of Clark  
31 County School District; MELODY CARTER,  
32 individually and in her capacity as Plaintiff's  
33 former teacher of record; DOES I-X, and ROE  
34 CORPORATIONS I-X, inclusive,

35 Defendants.

36 Pursuant to the provisions of 28 U.S.C. § 1441(a) & (b) and 28 U.S.C. § 1446, Defendants  
37 Clark County School District ("CCSD") and Pat Skorkowsky (collectively the "CCSD Defendants"),  
38 by and through their counsel, GREENBERG TRAURIG, LLP, file this Notice of Removal from the  
39 District Court of Clark County, Nevada, to the United States District Court for the District of  
40 Nevada. In support of removal, the CCSD Defendants state as follows:

41     ///

42 ACTIVE 616234529v1

1       1. The above-entitled action was commenced in the Eighth Judicial District Court, in  
2 and for Clark County, Nevada, Case No. A-19-794103-C, and is now pending in that Court (“State  
3 Court Action”).

4       2. Plaintiff J.W., by and through his parents, Joshua and Britten Wahrer, commenced the  
5 State Court Action by filing a Complaint (“Complaint”) on May 2, 2019. (A copy of the Complaint  
6 is attached hereto as **Exhibit A**.)

7       3. The Complaint was served on Defendant CCSD on May 7, 2019. The Complaint was  
8 served on Defendant Pat Skorkowsky on May 10, 2019. Affidavits of Service of the Complaint have  
9 not yet been filed by Plaintiff.

10      4. No further proceedings have been filed in the State Court Action.

11      5. On its face, the Complaint alleges that the CCSD Defendants violated 42 U.S.C. §  
12 1983, Amendments Five and Fourteen of the U.S. Constitution, and 42 U.S.C. 12203(a).

13      6. This action is a civil action over which this Court has original jurisdiction under 28  
14 U.S.C. § 1331, and is one which may be removed to this Court by the CCSD Defendants pursuant to  
15 28 U.S.C. § 1441(a) and (b) in that it asserts alleged violations of 42 U.S.C. § 1983, Amendments  
16 Five and Fourteen of the U.S. Constitution, and 42 U.S.C. 12203(a), and therefore presents federal  
17 questions.

18      7. This Court has jurisdiction over the Complaint’s claims that arise under state law  
19 because federal questions predominate this action and the federal and state law claims arise from the  
20 same nucleus of operative fact and comprise but one constitutional case. *See* 28 U.S.C. §§ 1367,  
21 1441(c).

22      8. This Court is the proper venue for the removal of this action because it is the district  
23 court of the United States for the district and division embracing the place where the action is  
24 pending. *See* 28 U.S.C. § 1441(a).

25      9. Thirty days have not elapsed since the CCSD Defendants were served with the  
26 Complaint.

27      10. Pursuant to Section 28 U.S.C. § 1441, the CCSD Defendants are entitled to remove  
28 this action to this Court.

11. A true and correct copy of this Notice of Removal is being served on all named parties to this suit that have lodged an appearance in the State Court Action and filed this date with the Clerk of the Eighth Judicial District Court.

12. If any question arises as to the propriety of this removal, the CCSD Defendants request the opportunity to brief any disputed issues and to present oral argument in support of its position that this case is properly removable.

13. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of the CCSD Defendants' right to assert any defense or affirmative matter, including, but not limited to, the defenses of lack of jurisdiction over the person, improper venue, insufficiency of process, insufficiency of service of process, failure to state a claim, fraudulent joinder or any other procedural or substantive defense available to the CCSD Defendants.

Based on the foregoing, the CCSD Defendants hereby remove the State Court Action to this Court.

DATED this 6<sup>th</sup> day of June, 2019.

# GREENBERG TRAURIG, LLP

/s/ Kara B. Hendricks

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*Attorneys for Defendants Clark County School District and Pat Skorkowsky*

**CERTIFICATE OF SERVICE**

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I certify that on this 6<sup>th</sup> day of June, 2019, I caused a true and correct copy of the foregoing **NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. § 1441 (a) & (b)** to be filed and served via the Court's E-Filing system on the parties listed below. The date and time of the electronic proof of service is in place of the date and place of deposit in the mail.

/s/ Andrea Flintz

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an employee of Greenberg Traurig, LLP